

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

SUBMISSION OF SUBSTITUTE DECLARATION AND POWER OF ATTORNEY

APPLICANT: T. Chiba et al
SERIAL NO: 09/576,681
FILED: May 23, 2000
INVENTION: "SHAPE OF MICRODOT MARK FORMED BY LASER BEAM AND MICRODOT MARKING METHOD"

CASE NO.: 0112780-004
GROUP ART UNIT: 1725
EXAMINER: Unknown

Assistant Commissioner for Patents
Washington, D.C. 20231

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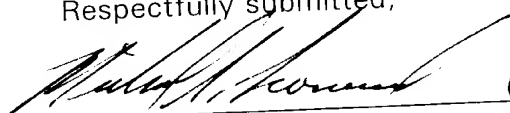
TC 1700

S I R:

Please substitute the enclosed Declaration and Power of Attorney signed by all of the inventors, Teiichirou Chiba and Ryuusuke Komura, for the previously submitted Declaration. The previous Declaration did not claim priority of the prior Japanese priority applications. The enclosed Declaration and Power of Attorney claims foreign priority based on Japanese application 10-334009 dated November 25, 1998 and Japanese application 11-333824 dated November 25, 1999. Applicants respectfully request that the enclosed Declaration and Power of Attorney be substituted for the previous Declaration.

Although Applicants believe no fees are due with this submission the Commissioner is authorized to charge any fees which may be required, or to credit any overpayment to account No. 02-1818.

Respectfully submitted,

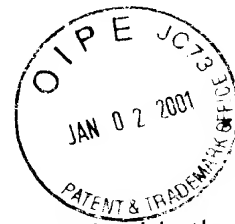


(Reg. No. 37,557)

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ATTORNEY FOR APPLICANTS

CERTIFICATE OF MAILING

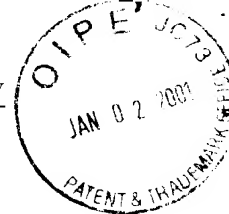


I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on December 27, 2000.

A handwritten signature in cursive script, appearing to read "Michael A. Conway".

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**CONTINUATION-IN-PART
DECLARATION AND POWER OF ATTORNEY**



As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**"SHAPE OF MICRODOT MARK FORMED BY LASER BEAM AND MICRODOT
MARKING METHOD"**

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TC 1700

Case No. 0112780-004 the specification of which

is a continuation-in-part application of U.S. Serial No. 09/448,127 filed on November 24, 1999.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.

I acknowledge the duty to disclose to the United States Patent Office all information known to me, which information is material to the examination of this application, in accordance with Title 37, Code of Federal Regulations, 1.56(a)¹. I also acknowledge the duty to disclose to the United States Patent Office all information known to me to be material to patentability as defined in §1.56 which became available between the filing date of the prior application 09/448,127 and the filing date of this continuation-in-part application.

As to the subject matter of this application which is common to U.S. Serial No. 09/448,127 filed on November 24, 1999, I do not know and do not believe that this invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the earlier application, I believe that the same was not in public use or on sale in the United States of America more than one year prior to this earlier application, and I believe that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this earlier application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this earlier application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this earlier application by me or my legal

¹(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim;

or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or
(ii) Asserting an argument of unpatentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

representatives or assigns, except as identified below.

As to the subject matter of this application which is not common to U.S. Serial No. 09/448,127 on November 24, 1999, I do not know and do not believe this invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, I believe that the same was not in public use or on sale in the United States of America more than one year prior to this application, and I believe that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as identified below.

I hereby claim foreign priority benefits under Title 35, United States Code, 119 of any foreign application(s) for patent or inventor's certificate listed below:

Prior Foreign Application(s)

Number	Country	Date
10-334009	Japan	November 25, 1998
11-333824	Japan	November 25, 1999

and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the above listed application on which priority is claimed:

If no priority is claimed, I have identified all foreign patent applications filed prior to this application:

And I hereby appoint Messrs. Robert M. Barrett (30,142), Michael S. Leonard (37,557), William E. Vaughan (39,056), Edward A. Lehman (22,312), Patricia A. Kane (46,446), Thomas C. Basso (P46,541), Adam H. Masia (35,602), Dante J. Picciano (33,543), Amy J. Gast (41,773), Timothy L. Harney (38,174), Renato L. Smith (45,117), Alan L. Barry (30,819), Robert W. Connors (P46,639), Troy A. Groetken (46,442) all members of the firm of Bell, Boyd & Lloyd, LLC.

Telephone: 312.827.4270
Facsimile: 312.827.1271

my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and direct that all correspondence be forwarded to:

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Chicago, IL 60690-1135
312.372.1121
312.372.2098

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Teiichirou Chiba

Inventor's signature Teiichirou Chiba Date November 1st, 2000

Residence 1200, Manda, Hiratsuka-shi, Kanagawa-ken, Japan

Citizenship Japanese

Post Office Address same as above

Full name of second inventor Ryuusuke Komura

Inventor's signature Ryuusuke Komura Date November 1st, 2000

Residence 1200, Manda, Hiratsuka-shi, Kanagawa-ken, Japan

Citizenship Japanese

Post Office Address same as above